

*B1  
concl'd*

GE515721. This invention thus relates to the hybrid seed 34G13, the hybrid plant produced from the seed, and variants, mutants and trivial modifications of hybrid 34G13. This invention also relates to methods for producing a maize plant containing in its genetic material one or more transgenes and to the transgenic maize plants produced by that method. This invention further relates to methods for producing maize lines derived from hybrid maize line 34G13 and to the maize lines derived by the use of those methods. This hybrid maize plant is characterized by very high silage yield for its maturity in combination with excellent feeding value and starch concentration.

*B2*

Please replace the paragraph beginning at page 41, line 32 with the following:

With the advent of molecular biological techniques that have allowed the isolation and characterization of genes that encode specific protein products, scientists in the field of plant biology developed a strong interest in engineering the genome of plants to contain and express foreign genes, or additional, or modified versions of native or endogenous genes (perhaps driven by different promoters) in order to alter the traits of a plant in a specific manner. Such foreign, additional and/or modified genes are referred to herein collectively as "transgenes". Over the last fifteen to twenty years several methods for producing transgenic plants have been developed, and the present invention, in particular embodiments, also relates to transgenic versions of the claimed hybrid maize line 34G13.

*B3 Sub C1*

Please replace the paragraph beginning at page 54, line 2 with the following:

Applicant has made a deposit of at least 2500 seeds of Hybrid Maize Line 34G13 with the American Type Culture Collection (ATCC), Manassas, Va. 20110 USA, ATCC Deposit No. PTA-4273. The seeds deposited with the ATCC on May 3, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340, since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and person determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant(s) will make the deposit available to the public pursuant to § 1.808. Additionally, Applicant(s) will meet all the requirements of 37 C.F.R. §§ 1.801 - 1.809, including providing an indication of the viability of the sample when the

*B3  
cont'd*

deposit is made. This deposit of Hybrid Maize Line 34G13 will be maintained without restriction in the ATCC Depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it ever becomes nonviable during that period. Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.) which may protect Hybrid Maize Line 34G13.

In the Claims

Please amend claims 1, 5-7, 11-12, 15-16, 19, 24-25, 28-29 and 32 as follows:

*B4 D1*

1. (Amended)

Hybrid maize seed designated 34G13, representative seed of said hybrid 34G13 having been deposited under ATCC accession number PTA-4273.

*B5 D1*

*Subc*

5. (Twice Amended)

A tissue culture of regenerable cells of a hybrid maize plant 34G13, representative seed of said hybrid maize plant 34G13 having been deposited under ATCC accession number PTA-4273.

6. (Twice Amended)

The tissue culture according to claim 5, wherein the cells or protoplasts are derived from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

7. (Twice Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and expressing all the morphological and physiological characteristics of hybrid maize plant 34G13, representative seed having been deposited under ATCC accession number PTA-4273.